

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

<p>CHRISTINE LOGAN, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED;</p> <p>Plaintiff,</p> <p>vs.</p> <p>FURNITURE MART USA, INC,</p> <p><u>Defendant.</u></p>	<p>4:25-CV-04018-RAL</p> <p>ORDER GRANTING AMENDED MOTION TO CONSOLIDATE CASES AND APPOINT INTERIM CLASS COUNSEL</p>
<p>GABRIEL HILMAR, ON BEHALF OF HIMSELF AND ON BEHALF OF ALL OTHER SIMILARLY SITUATED INDIVIDUALS;</p> <p>Plaintiff,</p> <p>vs.</p> <p>FURNITURE MART USA, INC,</p> <p><u>Defendant.</u></p>	<p>4:25-CV-04020-RAL</p>
<p>BRODY SCHAFER, INDIVIDUALLY AND ON BEHALF OF ALL OTHER SIMILARLY SITUATED;</p> <p>Plaintiff,</p> <p>vs.</p> <p>FURNITURE MART USA,</p> <p><u>Defendant.</u></p>	<p>4:25-CV-04021-RAL</p>

This Court received Plaintiffs' Amended Motion to Consolidate Cases and Appoint Interim Class Counsel, the Memorandum of Law in Support, the exhibits attached thereto, and all other filings herein. To facilitate ruling on the motion, the two pending cases assigned to other judges were reassigned to the undersigned judge. Defendant Furniture Mart USA, LLC has not answered and perhaps has not even been served. The allegations of the complaint in these cases center on a data breach against the same defendant, and Fed. R. Civ. P. 42(a) seems to militate for consolidation of these cases involving common issues of law and fact. For good cause, it is:

ORDERED that

1. The above-captioned matters shall be consolidated for all purposes, including pretrial proceedings and trial, pursuant to Federal Rule of Civil Procedure 42(a) (the "Consolidated Action") before this Court, unless and until this Court orders otherwise. If there are other cases involving common issues of law and fact, those cases may be consolidated as well.
2. All pleadings filed in the Consolidated Action shall be filed under Case No. 4:25-cv-4018-RAL, the number assigned to the first-filed case and shall bear the following caption: "In re: Furniture Mart USA, Inc. Data Breach Litigation."

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IN RE: FURNITURE MART USA, INC. DATA BREACH LITIGATION	4:25-CV-04021-RAL
	This document relates to:

3. The case file for the Consolidated Action will be maintained under Master File No. 4:25-cv-4018-RAL. When a pleading is intended to apply to all actions to which this Order

applies, the words “All Actions” shall appear immediately after the words “This Document Relates To:” in the caption described above. When a pleading is not intended to apply to all actions, the docket number for each individual action to which the paper is intended to apply and the last name of the first-named plaintiff in said action shall appear immediately after the words “This Document Relates To:” in the caption identified above, e.g., 4:25-CV-04020 (“Hilmar”).

4. The parties shall file a Notice of Related Action whenever a case that should be consolidated into this action is filed in, transferred to, or remanded to this Court.
5. The Clerk of Court for the District of South Dakota is directed to assign all cases brought against Furniture Mart USA in this district to the undersigned judge. If the Court determines that the case is related, the court clerk shall:
 - a. Place a copy of this Order in the separate file for such action;
 - b. Serve on Plaintiffs’ counsel in the new case a copy of this Order;
 - c. Direct that this Order be served upon Defendant(s) in the new case; and
 - d. Make an appropriate entry in 4:25-cv-04018-RAL reflecting those actions.
6. Kennedy M. Brian of Federman & Sherwood, Leigh Montgomery of EKSM, LLP, and Eduard Korsinsky of Levi & Korsinsky, LLP are hereby appointed Interim Co-Lead Class Counsel to act on behalf of Plaintiffs and the putative Class.
7. Interim Co-Lead Class Counsel shall have the responsibilities set forth below:
 - a. Determine and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of the putative Class on all matters arising during pretrial proceedings;

- b. Coordinate the initiation and conduct of discovery on behalf of the putative Class consistent with the requirements of South Dakota law and the local rules of this Court;
- c. Convene meetings amongst counsel;
- d. Conduct settlement negotiations on behalf of the putative Class;
- e. Delegate tasks to other plaintiffs' counsel as needed and appropriate in a manner to ensure that pretrial preparation is conducted efficiently and effectively;
- f. Negotiate and enter into stipulations with opposing counsel as necessary for the conduct and efficient advancement of the litigation;
- g. Monitor the activities of all counsel to ensure that schedules and litigation deadlines are being met and unnecessary expenditures of time and funds are avoided;
- h. Ensure that all counsel comport with the billing and expense protocol being used by the leadership team and that will be submitted to the Court for approval;
- i. Perform such other duties as may be incidental to the proper coordination of pretrial activities or authorized by further order of this Court;
- j. Serve as the primary contact for communications between the Court and other counsel;
- k. Ensure that all notices, orders, and material communications are properly distributed (to the extent that they are not otherwise served on counsel via the Court's electronic filing system);
- l. Communicate with defense counsel as necessary to promote the efficient advancement of this litigation;

- m. Allocate and apportion any Court awarded attorneys' fees, costs, and expenses consistent with any order of this Court; and
- n. Perform all other duties or tasks as are necessary to the prosecution of this matter on behalf of the putative Class.

8. This Court also hereby sets the following initial schedule, subject to revision upon a motion for good cause from Defendant:

- a. Plaintiffs shall file a Consolidated Class Action Complaint within 45 days of the filing of this Order;
- b. Defendant shall file an Answer or a Motion to Dismiss within 45 days of the filing of service of Plaintiffs' Consolidated Class Action Complaint;
- c. If Defendant files a Motion to Dismiss, Plaintiffs shall have 45 days to respond in opposition thereto and Defendant shall have 21 days to file a reply in support of its Motion to Dismiss.

DATED this 20th day of February, 2025.

BY THE COURT:



ROBERTO A. LANGE
CHIEF JUDGE